IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 8422 of 1997

Between:

M/s. Mallavarapu & Co.

Represented by its Managing Partner

Sri M.Innaiah, Gandikota,

Chandramouli Nagar,

Ring Road, Guntur. ..... PETITIONER

AND

1. The Union of India, rep. by its

Finance Secretary, Central Secretariat,

New Delhi.

2. Indian Bank, rep. by its Branch Manager,

Guntur.

3. The Chairman, Debt Recovery Tribunal,

Bangalore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or a direction or a writ more particularly in the nature of writ of mandamus directing the original proceedings bearing O.A.No.769/96 on the file of III Respondent-Tribunal against the petitioner-Company as invalid and order retransfer of the suit O.S.No.408/91 on the file of Sub-Court, Gudur where it was pending before transfer which is renumbered as O.A.No.769/96 after declaring the provisions of Act No.51 of 1993 as illegal, violative of the principles of natural justice and Articles 14, 19, 21, 300 and 246(3) of the Constitution of India.

Counsel for the Petitioner:MR.Y.VISWESWARA RAO

Counsel for the Respondent No.: MR.P.R.PRASAD

The Court made the following :

ORDER:

The Writ Petition is filed for a writ of mandamus directing the original proceedings bearing O.A.No.796/96 on the file of 3rd respondent-Debt Recovery Tribunal, at Bangalore against the petitioner-Company as invalid and order re-transfer of the suit O.S.No.408/91 on the file of Sub-Court, Guntur wherein it was pending before transfer and which is re-numbered as O.A.No.796/96 after declaring the provisions of Act 51 of 1993 as illegal, violative of the principles of natural justice and violative of Articles 14, 19, 21, 300 and 246(3) of the Constitution of India and to pass such other suitable orders.

In view of the fact that the Apex Court already upheld the validity of the aforesaid Act in its decision in **UNION OF INDIA Vs. DELHI HIGH COURT BAR ASSOCIATION** no further orders need be passed in the present Writ Petition.

The Writ Petition is accordingly dismissed. No costs.

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P.S.Narayana.,J

Dt.21-12-2004

AM

To:

1. The Union of India, rep. by its
Finance Secretary, Central Secretariat,
New Delhi.
2. Indian Bank, rep. by its Branch Manager,
Guntur.
3. The Chairman, Debt Recovery Tribunal,
Bangalore.